REMARKS

Claims 17 – 26 are pending in the application. Claims 17 and 22 are independent claims.

Claims 18-21 depend from claim 17 and claims 23-26 depend from claim 22.

Claims 18-21 and 23-26 are rejected under 35 USC §112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claims the subject matter which

applicant regards as the invention.

Claim 18-20 and 23-26 have been amended to correct the improper antecedent basis cited

by the examiner.

Claims 17, 19, 22, 24 and 26 are rejected under 35 USC §103(a) as being unpatentable

over US Published Patent Application No. 2003/0204711 A1 to Guess (hereinafter Guess), in

view of US Published Patent Application No. 2005/0028165 A1 to McGowan (hereinafter

McGowan).

This rejection is improper as it fails to present a prima facie case of obviousness.

Guess, US Published Patent Application No. 2003/0204711, teaches the use of on-board

memory for storing firmware configuration data during a firmware update. Guess does not teach

the use of any external devices or connections or a method for changing firmware without

downloading software to the firmware device.

McGowan et al, US Published Patent Application No. 2005/0028165, teaches a method

for preserving client changes to a configuration file for enterprise applications. McGowan

discloses a method wherein a configuration file, for configuration of an enterprise application, is

stored on a client machine. The configuration file may then be edited by a user on the client

machine to customize the application to the user's preferences. When a new configuration file is

sent to the client machine, a preservation system is accessed to preserve the user's changes to the

configuration file when a new configuration file is loaded. This preservation process modifies

the new configuration file with the changes the user made to the old configuration file. In the

methods of McGowan et al, the configuration files and enterprise applications are downloaded to

the client device from a server over a network connection.

Woodard et al, US Patent Application No. 2002/0104080, teach a method of preserving

operating system configuration parameters across systems or updates. This system works with

full computer systems, such as those that use the Microsoft Windows operating systems, which

have substantial system resources. This system will not work with many firmware devices that

cannot accommodate additional software programs to effectuate the process. Woodard et al

require the use of an SEIM, which is a program that is downloaded to the device (a computer) for

determining configuration parameters.

It should be noted that both McGowan et al and Woodard et al do not teach methods that

relate to firmware changes. McGowan et al and Woodard et al relate to operating system and

application configurations, which are very different than firmware updates. The methods of

McGowan et al and Woodard et al simply install modified files on a fully functioning computer

system. Embodiments of the present invention, as described in the present claims, update the

firmware of a computing device without using memory on the device and without loading a

specialized program onto the firmware device. These embodiments are not taught in the cited

references.

Independent claims 17 and 22 and all other claims dependent thereon comprise elements

equivalent to:

a)   establishing a direct serial connection between a firmware device and a

download computing device; and

b)   establishing a network connection between said download computing device,

a web-based device administration utility on a web server and said firmware

device.

The combination of Guess, McGowan et al and Woodard et al does not teach the

elements listed above wherein a trio of devices is established with a direct serial

connection between two devices and a network connection between all three devices and

wherein updated firmware and firmware configuration data is transmitted between the

devices.

Independent claims 17 and 22 and all other claims dependent thereon also comprise

elements equivalent to:

c)   uploading firmware configuration data, over said network connection, from an

existing firmware structure in said firmware device to said web server using said

web-based administration utility, wherein said web-based administration utility

performs said uploading by pulling data from said existing firmware structure

without loading any software onto said firmware device;

The combination of Guess, McGowan et al and Woodard et al does not teach the element

listed above wherein firmware configuration data is pulled from a firmware device using a web-

based administration utility without loading software for performing this act onto the firmware

device. The method taught in Guess requires the use of specialized software downloaded to the firmware device. The method taught in McGowan requires software including a preservation system and a configuration system on the mobile device. The method taught in Woodard et al requires downloading SEIM software to the device for extracting configuration data. The embodiments of the present invention, as presently claimed, do not require downloading of specialized software to effect the functions of the invention. This is explicitly described in element c) of claim 17 and element f) of claim 22, which describe the equivalent of a "web-based administration utility performs said uploading by pulling data from said existing firmware structure *without loading any software onto said firmware device.*" Accordingly, this element is not taught in the cited combination of references.

Claims 18, 20, 23 and 25 are rejected under 35 USC §103(a) as being unpatentable over US Published Patent Application No. 2003/0204711 A1 to Guess (hereinafter Guess), in view of US Published Patent Application No. 2005/0028165 A1 to McGowan (hereinafter McGowan) and further in view of US Published Patent Application No. 2002/0104080 A1 to Woodard et al (hereinafter Woodard et al).

This rejection is improper as it fails to present a prima facie case of obviousness.

The rejected claims are dependent on claims 17 and 22. This rejection is improper for the reasons stated above in relation to claims 17 and 22.

In light of the amendments and arguments presented above, the examiner is

respectfully requested to withdraw these rejections and proceed with allowance of this

application.

Respectfully submitted,

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